

REMARKS

INTRODUCTION

In accordance with the foregoing, claims 1, 2, 9, 10, 17, and 18 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-24 are pending and under consideration.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116

Applicants request entry of this Rule 116 Response and Request for Reconsideration because the amendment of claims 1, 2, 9, 10, 17, and 18 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised. Further, the amendments do not significantly alter the scope of the claims and place the application at least into a better form for appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered" (Emphasis added). Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

PETITION TO WITHDRAW FINALITY OF OFFICE ACTION

Applicants have submitted a Petition to Withdraw Finality of Office Action, as the Office Action fails to address the arguments presented by Applicants in the November 28, 2005 Amendment as required by the MPEP.

In the Office Action at page 15, numbered item 4, the Office Action responds to Applicants' arguments presented in the Amendment filed on November 28, 2005 by asserting that "Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection." Applicants note, however, that the November 28, 2005 Amendment, no substantive claim amendments were presented. Rather, the claim amendments presented merely improved the form of the claims. Applicants respectfully traversed the rejection of claims 1-24 and presented arguments distinguishing the pending claims over the cited art.

MPEP §707.07(f) states "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." Further, the Examiner Note to form paragraph 7.38 (Arguments Are Moot Because of New Ground(s) of Rejection) states "The examiner **must**, however, address any arguments presented by the applicant which are still relevant to any references being applied."

In the outstanding Final Office Action, the rejections of independent claims 1, 9, and 17, from which dependent claims 2-6, 10-14, and 18-22 directly or indirectly depend, and independent claims 7, 15, and 23, from which claims 8, 16, and 24 directly depend, were repeated **verbatim** from the Office Action mailed August 26, 2005. Thus, contrary to the Office Action's assertion, the arguments presented in the Amendment filed November 28, 2005 are relevant to the references applied in the outstanding Office Action. These arguments, however have not been addressed in the outstanding Final Office Action. As the MPEP requires that the Final Office Action address these arguments, Applicants respectfully submit that the outstanding Final Office Action is deficient.

Accordingly, Applicants respectfully request that the finality of the outstanding Final Office Action be withdrawn, and that the arguments presented in the Amendment filed November 28, 2005, which are repeated below, be addressed in the next Office Action issued.

CLAIM OBJECTIONS

In the outstanding Office Action at page 2, claims 2, 10, and 18 were objected to because of their recitation of "said threshold". As independent claims 1, 9, and 17 also recite "said threshold", claims 1, 2, 9, 10, 17, and 18 have each been amended to recite "said threshold value" instead of "said threshold." In view of the amendments to claims 1, 2, 9, 10, 17, and 18, Applicants respectfully submit that these claim objections are moot.

REJECTION UNDER 35 U.S.C. §103(a)

In the Office Action at page 3, claims 1-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,601,044 to Wallman in view of John M. Dalton, "How the Stock Market Works," NYIF Corp. 1993, 99-107-111. The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Independent claim 1 is directed to a computer-implemented method for supporting a trading of an odd lot that is less than a round lot stock number determined in every stock company. The method of independent claim 1 includes "receiving from a customer an odd lot

selling order or an odd lot buying order for a particular stock company", "judging whether or not a number of total stocks of said odd lot selling orders or a number of total stocks of said odd lot buying orders received at said receiving is over a threshold value that is less than said round lot stock number and is determined by a predetermined rule", and "if it is judged at said judging that the number of total stocks of said odd lot selling orders or the number of total stocks of said odd lot buying orders is over said threshold value, outputting a selling order of said round lot stock number defined for said particular stock company for said odd lot selling orders or a buying order of said round lot stock number defined for said particular stock company for said odd lot buying orders." Independent claims 9 and 17 recite similar features.

Both Wallman and Dalton teach the aggregation of odd lot orders in order to obtain a round lot order. See Wallman at col. 11, lines 53-63 and Dalton at page 109, lines 3-7. Dalton also teaches various types of odd lot orders including odd-lot limit orders to buy, limit orders to sell long, limit orders to sell short, odd-lot stop short orders, stop limit orders, on-the-quotation orders, and at-the-close orders. Additionally, Dalton discusses differentials.

At page 4 of the outstanding Office Action, Wallman is relied upon to teach only "A method, storage medium and a system for supporting a trading of an odd lot that is less than a round lot stock number determined in every stock company, said method comprising the steps of: receiving from a customer, an odd lot selling order or an odd lot buying order for a particular stock company." Wallman at col. 52, lines 22-25, is cited in support of this assertion. Page 4 of the outstanding Office Action acknowledges that Wallman fails to teach or suggest any of the other features of independent claims 1, 9, or 17.

At page 5 of the outstanding Office Action, it is asserted that Dalton teaches that there are two basic types of trade according to size – round lots and odd lots. Further, Dalton is relied upon to teach that odd-lot orders may be bunched as long as the consent of each customer is obtained. The Office Action asserts that "one of ordinary skill in the art making such a judgment would have been obvious to do when viewing the system of Wallman, thus providing a better control of a particular buy/sell order." Applicants respectfully disagree.

Wallman fails to teach or suggest the use of any threshold value in making a judgment regarding odd lot trading. Thus, Wallman fails to teach or suggest "judging whether or not a number of total stocks of said odd lot selling orders or a number of total stocks of said odd lot buying orders received at said receiving is over a threshold value that is less than said round lot stock number and is determined by a predetermined rule." This is acknowledged at page 4 of the outstanding Office Action. Applicants respectfully submit that Dalton, which is relied upon to cure the deficiencies of Wallman, also fails to teach or suggest "judging whether or not a number

of total stocks of said odd lot selling orders or a number of total stocks of said odd lot buying orders received at said receiving is over a threshold value that is less than said round lot stock number and is determined by a predetermined rule," as Dalton does not teach or suggest any threshold value.

For at least these reasons, Applicants respectfully submit that Wallman and Dalton, taken alone or in combination, fail to teach all of the features of claims 1, 9, and 17. Accordingly, Applicants respectfully submit that independent claims 1, 9, and 17, and those claims depending directly or indirectly therefrom, patentably distinguish over the prior art and are in condition for allowance.

Dependent claims 2, 3, 4, 10, 11, 12, 18, 19, and 20 were rejected at pages 5-8 of the outstanding Office Action. Applicants respectfully submit that claims 2, 3, 4, 10, 11, 12, 18, 19, and 20 patentably distinguish over Wallman and Dalton for at least those reasons as the independent claims from which they depend.

With respect to claims 2, 10, and 18, Applicants note that the Office Action asserts that Dalton teaches the determination of "appropriate" fees. The threshold value in these claims, however, does not refer to any trading fee. Instead, as described in independent claims 1, 9, and 17, the threshold value refers to a number of stocks. Neither Wallman nor Dalton teaches or suggests this feature. For at least this reason, and those set forth above, Applicants respectfully submit that claims 2, 10, and 18 patentably distinguish over the prior art and are in condition for allowance.

Claims 5, 13, and 21 were rejected at pages 8-9 of the outstanding Office Action. Applicants respectfully submit that claims 5, 13, and 21 patentably distinguish over Wallman and Dalton for at least those reasons as the independent claims from which they depend.

Additionally, Applicants note that the Office Action asserts that "one of ordinary skill in the art at the time of the invention would have been motivated to such a rule for determining a minimum number of ordered stocks in the system of Wallman in order to maintain the system of Wallman and also to provide the ordered stocks to customers/investors." Applicants respectfully disagree, as neither Wallman nor Dalton teaches or suggests "providing a minimum number of ordered stocks" or "providing a number of remainder stocks" as recited in claims 5, 13, 21. For at least these reasons and those set forth above, Applicants respectfully submit that Wallman and Dalton, taken alone or in combination, fail to teach or suggest all of the features of claims 5, 13, and 21. Accordingly, Applicants respectfully submit that claims 5, 13, and 21 patentably distinguish over the prior art and are in condition for allowance.

Claims 6, 14, and 22 were rejected at pages 10-12 of the outstanding Office Action.

Applicants respectfully submit that claims 6, 14, and 22 patentably distinguish over Wallman and Dalton for at least those reasons as those claims from which they depend.

Further, Applicants note that neither Wallman nor Dalton teaches or suggests "providing one stock" or "providing a number of remainder stocks," as recited in claims 6, 14, and 22. For at least these reasons and those set forth above, Applicants respectfully submit that Wallman and Dalton, taken alone or in combination, fail to teach or suggest all of the features of claims 6, 14, and 22. Accordingly, Applicants respectfully submit that claims 6, 14, and 22 patentably distinguish over the prior art and are in condition for allowance.

Claims 7, 15, and 23 were rejected at pages 12-14 of the outstanding Office Action. At pages 11-12 of the outstanding Office Action, it is acknowledged that Wallman fails to teach the features of claims 7, 15, and 23. The Office Action asserts, however, that "in the purchasing/selling of financial securities, there could be a great number of possible ways to set a predetermined rule for providing a minimum number of ordered stocks to each customer." Applicants respectfully assert, however, that neither Wallman nor Dalton teaches or suggests "providing a minimum number of ordered stocks" or "providing a number of remainder stocks," as recited in claims 7, 15, and 23. For at least these reasons, Applicants respectfully submit that Wallman and Dalton, taken alone or in combination, fail to teach or suggest all of the features of claims 7, 15, and 23. Accordingly, Applicants respectfully submit that claims 7, 15, and 23 patentably distinguish over the prior art and are in condition for allowance.

Claims 8, 16, and 24 were rejected at pages 14-15 of the outstanding Office Action. Applicants respectfully submit that claims 8, 16, and 24 patentably distinguish over Wallman and Dalton for at least those reasons as those claims from which they depend.

Further, at page 14 of the outstanding Office Action, it is acknowledged that Wallman fails to teach the features of claims 8, 16, and 24. Dalton is not discussed in the rejection of claims 8, 16, and 24. Applicants note that neither Wallman nor Dalton teaches or suggests "providing one stock" or "providing a number of remainder stocks," as recited in claims 8, 16, and 24. For at least these reasons and those set forth above, Applicants respectfully submit that Wallman and Dalton, taken alone or in combination, fail to teach or suggest all of the features of claims 8, 16, and 24. Accordingly, Applicants respectfully submit that claims 8, 16, and 24 patentably distinguish over the prior art and are in condition for allowance.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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